

ENTERED

July 31, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
VICTORIA DIVISION

LEROY PUNCH,

§
§
§
§
§
§
§
§

Plaintiff,

v.

Civil Action No. 6:23-CV-00012

JUSTIN MARR,

Defendant.

**ORDER ACCEPTING FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the June 28, 2023, Memorandum and Recommendation ("M&R") prepared by Magistrate Judge Mitchel Neurock. (Dkt. No. 26). Magistrate Judge Neurock made findings and conclusions and recommended that Plaintiff's habeas petition, (Dkt. No. 1), be dismissed without prejudice for failure to exhaust administrative remedies. (See Dkt. No. 26).¹

The Parties were provided proper notice and the opportunity to object to the M&R. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No party filed an objection. As a result, review is straightforward: plain error. *Guillory v. PPG Indus., Inc.*, 434 F.3d 303, 308 (5th Cir. 2005). No plain error appears.

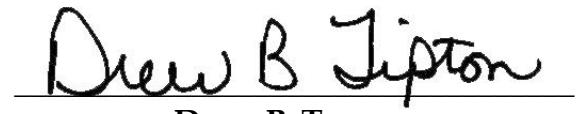
Accordingly, the Court accepts the M&R and adopts it as the opinion of the Court. It is therefore ordered that:

¹ Defendant has filed a Motion for Summary Judgment on the basis of failure to exhaust administrative remedies. (Dkt. No. 22). The Court denies Defendant's Motion as moot.

- (1) Magistrate Judge Neurock's M&R, (Dkt. No. 26), is **ACCEPTED** and **ADOPTED** in its entirety as the holding of the Court; and
- (2) Plaintiff's habeas petition, (Dkt. No. 1), is **DISMISSED WITHOUT PREJUDICE**.

It is SO ORDERED.

Signed on July 31, 2023.


Drew B. Tipton
DREW B. TIPTON
UNITED STATES DISTRICT JUDGE